REMARKS/ARGUMENTS

Claims 1-6, 9, 11, 18-29, 31-33, 40-46, 48, and 50-55 were pending in this application when last examined by the Examiner. Claims 1-6, 9, 11, 24-29, and 32- 33 have been amended. Claims 18-23, 31, 40-46, 48, and 50-55 have been canceled. Claims 56-80 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration, reexamination, and an early indication of allowance of the now pending claims 1-6, 9, 11, 24-29, 32-33, and 56-80 are respectfully requested.

Claims 1-6, 9, 11, 18-29, 31-33, 40-46, 48, 50-51, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Atcheson et al. (U.S. Patent No. 5,583,763), Blum et al. (U.S. Patent No. 5,918,223), and Yee et al. (U.S. Patent No. 5,210,611). Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atcheson, Blum, and Yee, further in view of Logan et al. (U.S. Patent No. 6,088,455). Applicant respectfully traverses these rejections.

Independent claim 1 has been amended to recite "selectively tuning to a plurality of audio channels for receiving selected ones of a plurality of audio pieces delivered over a plurality of audio channels, the selected ones of the plurality of audio pieces being identified based on the audio preference information" and "temporarily storing the selected ones of the plurality of audio pieces in a buffer." None of the cited references teach or suggest this limitation.

Atcheson is directed to a music selection and distribution service that provides users with recommended selections of songs that have a high likelihood of suiting their tastes. (Col. 3, lines 50-62). The disclosed system uses the user's household telephone to accept input to allow the user to select recordings from a menu and have the recording delivered to the user's home. The recording may be delivered via a CD or downloaded via the user's computer. Atcheson, however, makes no mention or suggestion of the "selectively tuning" that is now claimed in claim 1.

Blum is directed to analyzing digital audio for computing trajectories specifying the amplitude, pitch, bandwidth, bass, brightness, and Mel-frequency cepstral coefficients over the length of a sound file. (Col. 6, lines 23-27). These trajectories may be used to classify and rank the similarity between individual audio files typically stored in a multimedia database or on the World Wide Web. (Abstract). Nothing in Blum teaches or suggests, however, the "selectively tuning" that is now claimed in claim 1.

Yee discloses an apparatus for automatic tuning of an audio device in accordance with a topic selection made by a user. (Abstract). Each radio station in Yee's system is encouraged to broadcast a number of a subject matter category that best suits the station's broadcast information. (Col. 6, lines 61-63). Upon detecting a user-selected topic, the apparatus causes the tuner to scan the airwaves via an existing seek function in the radio. After the tuner detects a clear signal frequency, a decoder checks for a topic category broadcast in the subcarrier. If the topic category number matches the topic requested by the user, the apparatus stops the tuner to cause receipt of the program broadcast by the current station. (Col. 7, lines 3-10). Thus, once Yee's tuner finds a station with a matching topic category, it receives the audio program broadcast by the station alone. The apparatus in Yee, therefore, does not engage in "selectively tuning to a plurality of audio channels for receiving selected ones of a plurality of audio pieces delivered via the plurality of audio channels" as is now required by claim 1. (Emphasis added).

Logan is directed to "modifying a broadcast programming signal to generate a proprietary program signal that can be more suited to the individual users tastes and preferences." (Col. 5, lines 61-67). A user in Logan downloads identification signals to be used to search the broadcast programming signal to identify songs of interest to that user. (Col. 7, lines 42-45). Segments of the data signal representative of a particular broadcast programming signal are downloaded one by one for comparing against the identification signal(s) stored within an identification signal memory. (Col. 8, lines 45-60). If there is no match between a downloaded data signal and any one of the identification signals, another segment of the data signal is downloaded. Logan does not teach or suggest "selectively tuning to a plurality of audio channels for receiving selected

ones of a plurality of audio pieces delivered via the plurality of audio channels" as is now required by claim 1. (Emphasis added). Accordingly, claim 1 is now in condition for allowance.

Independent claim 24 includes limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claim 24 is also in condition for allowance.

Claims 2-6, 9, 11, 25-29, and 32-33 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claims 56-80 are new in this application. New claim 68 is an independent claim directed to a user station including "an input for receiving user audio preference information; an audio tuner; a preference tuner coupled to the audio tuner, the preference tuner for causing the audio tuner to selectively tune to a plurality of audio channels for receiving selected ones of a plurality of audio pieces, the selected ones of the plurality of audio pieces being identified based on the user audio preference information; a buffer for temporarily storing the selected ones of the plurality of audio pieces; a sequencer coupled to the buffer for controlling playback of the temporarily stored audio pieces; and an output for playing the temporarily stored audio pieces." None of the cited references teach or suggest the claimed user station. Accordingly, claim 68 is in condition for allowance.
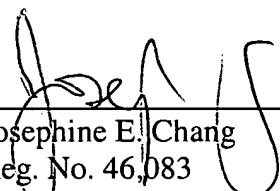
New claims 56-67 and 69-80 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and an early indication of allowance of the now-pending claims 1-6, 9, 11, 24-29, 32-33, and 56-80.

Respectfully submitted,

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